

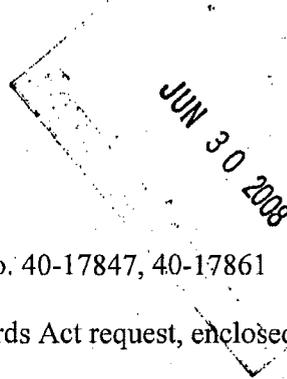
DEPARTMENT OF INDUSTRIAL RELATIONS  
Division of Labor Standards Enforcement  
455 Golden Gate Avenue, 9<sup>th</sup> Floor  
San Francisco, CA 94102  
Tel: (415) 703-4810 Fax: (415) 703-4807

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June 25, 2008

Nina Grayson  
City of San Jose  
Office of Equality Assurance  
200 East Santa Clara St., 5<sup>th</sup> Floor  
San Jose, CA 95113



Re: Public Records Act Request for Cases No. 40-17847, 40-17861

In response to the above-referenced Public Records Act request, enclosed are the copies of the records you requested.

If you have any questions please contact Adria Wells @ (415) 703-4828.

Sincerely

A handwritten signature in cursive script that reads "Helen Morales".

Helen Morales  
Deputy Labor Commissioner

DLSE PUBLIC WORKS PROJECT TRACKING

Attachment "B"

Deputy #: 218

Pend Date:

Name of Assigned Deputy: Rachel Farmer

Region:

Case #: 40-17861

Date Docketed: 12/19/2005

Reassigned to Deputy #:

Date Reassigned:

Name Reassigned to:

Prime Contractor: Zolman Construction, Inc  
656 Bragato Road Unit B San Carlos, CA 94070

Sub Contractor: Zolman Construction, Inc  
656 Bragato Road Unit B San Carlos, CA 94070

Second Sub:

Project Name: Monte Vista High School Project

County: Santa Clara

AB: Fremont Union School District

AB Address: 589 Wes Fremont Avenue Sunnyvale, CA 94087

AB Phone: 408-522-2278

E mail:

Contact Person: Bill Flory

Name of Complainant: Jorge Moreno, Carpenters Local #405

FIND

Date of First Advertisement:

Case Summary

Date of Est. Completion:

1775 Penalty Review

Date of Acceptance as Com:

Resolution of Class

Date NOC Recorded:

New Record

Date of last contact with AB:

900 NOTES

Date CPR's Received:

Date CWPA/NTW filed:

Amount of CWPA/NTW:

Stat Calculator

Penalties

Assessed

Collected

1775 & 1813 Penalties:

1776 (g) Penalties:

Total Penalty Assessment:

Date to Legal:

Date to Cashiering:

Date Closed: 10/13/2006

Closed Case Location:

Closed due to Stat of Limit:  Yes  No

List contractors signatory to CBA:

<u>Date</u>	<u>Note</u>
12/21/2005	Docketed 12/19/2005 assigned to Rachel Farmer per Denise Padres. PE
12/21/2005	12/5/2005: claim received in the Sacramento Office on 8/3/2005. js (238) Project jurisdiction: Santa Clara County. js (238) Awarding Body Information Fremont Union School District 589 West Fremont Ave. Sunnyvale, CA 94087 Phone: (408) 522-2200 Contact Person: Bill Flory  12/5/2005, 0826 hours: made t/c to Bill Flory of AB at (408) 522-2200. S/w Alex. Per Alex, the information for this project is the same as for the project for PW-7858. I requested new information from Alex so I will fax Request for Information form. Per claim PW-7858, AB fax no. is (408) 522-2234. js (238)  Prior claims: (closed): 40-14171, 40-14882, 40-04883, 40-04884, 40-09274, 40-06993, handled by Bob Twomey; 40-13597 - handled by Sherry Gentry; 40-14159, 40-14175, 40-14214 - handled by Eric Rood. (open) - 40-17802 - handled by Rachel Farmer. js (238)  12/5/2005: AB faxed a copy of the Request for Information form for PW-7858. Apparently, the project for this claim (PW-7891) is the same project for claim (PW-7858). Per information, the project is not yet completed and there is \$200,901.84 in retention. Will place claim documents in Sr. Deputy Charlie Atilano's in-box for case assignment. js (238)
12/21/2005	Mailed Notice of Complaint Filed and Case Assignment Ltr 12/20/2005. PE
12/29/2005	12/27/05 Case Rec'd. Complaint filed by Carpenters, alleging misclassification of Carpenters as
1/18/2006	Initial forms were mailed.....hilda
1/26/2006	1/23/06-----Rec'd.. Cert.Ret.Receipt from PC on IFs.....hilda Rec'd CM receipt from ST. Paul & AB.218rf
2/3/2006	Rtrn'd call to Reza 650-642-4880 wanted to know who filed complaint. Says they are signatory to the Laborers and sub'd out all the carpentry work. He is faxing over subcontracts for this case and 40-17861.218rf
2/9/2006	1/31/06----Rec'd. MAIL - letter from BC.....hilda  1/31/06----Rec'd. CPR's, time cards and Stmt. of Employer Pymts. from PC for the period of 9/10/04 through 4/15/05.....hilda
3/14/2006	3/13/06 Rtrnd call to Jorge Moreno status.218rf  3/14/06 Rec'd Dailies from Fremont SD, Notice of Default and correspondence from AB to Zolman regarding default.218rf
10/2/2006	9/12/06 Requested AB information, 2nd request. Faxed Zolman request for Subcontract, check county website looks like NOC recorded 1/30/06, if so stats have expired.  10/2/06 Rtrnd call to Sara Pierce @ Fremont Union SD, she is faxing the NOC, she believes recorded in Jan. Rec'd fax NOC recorded 1/30/06. Case closed stats expired. Closure letters mailed.218rf

<u>Date</u>	<u>Note</u>
1/10/2007	Rtrn'd call to Manual Aragon, advised case was closed due to stats expiring.218rf

**DLSE PUBLIC WORKS PROJECT TRACKING**

*Attachment "B"*

Deputy #: 218

Pend Date:

Name of Assigned Deputy: Rachel Farmer

Region: 1

Case #: 40-17847

Date Docketed: 12/14/2005

Reassigned to Deputy #:

Date Reassigned:

Name Reassigned to:

Prime Contractor: Zolman Construction and Developemnt, Inc  
565 Bragato Road Unit B San Carlos, CA 94070

Sub Contractor: Zolman Construction and Developemnt, Inc  
565 Bragato Road Unit B San Carlos, CA 94070

Second Sub:

Project Name: Fire Station #6

County: Santa Clara

AB: City of Santa Clara Public Works

AB Address: 1500 Warburton Avenue Santa Clara, Ca 95050

AB Phone: 408-615-3000

E mail:

Contact Person: Gustavo Gomes

Name of Complainant: Carpenters Local #405 Jorge Moreno

**FIND**

Date of First Advertisement:

**Case Summary**

Date of Est. Completion:

**1775 Penalty Review**

Date of Acceptance as Com:

**Resolution of Class**

Date NOC Recorded:

Date of last contact with AB: 12/27/2005

**New Record**

Date CPR's Received:

Date CWPA/NTW filed:

**900 NOTES**

Amount of CWPA/NTW:

Penalties

Assessed

Collected

**Stat Calculator**

1775 & 1813 Penalties:

18083.87 wages

1776 (g) Penalties:

9700 penalties

Total Penalty Assessment:

Date to Legal:

Date to Cashiering: 8/9/2006

Date Closed: 3/5/2007

Closed Case Location: Sac box 121

Closed due to Stat of Limit:  Yes  No

List contractors signitory to CBA:

<u>Date</u>	<u>Note</u>
12/15/2005	Case Docketed and assigned to Rachel Farmer per Denise Padres. PE
12/15/2005	12/6/2005: claim received in the Sacramento Office on 7/25/2005. js (238) Project jurisdiction: Santa Clara County. js (238) Awarding Body Information: City of Santa Clara Public Works 1500 Warburton Avenue Santa Clara, CA 95050 Contact Person: Gustavo Gomes (408) 615-3000 fax: (408) 985-7936  Prior claims: (closed) 40-09371, 40-10410, 40-10660, 40-10717, 40-10755 - handled by Bob Twomey; 40-13597 - handled by Sherry Gentry; 40-14159, 40-14175, 40-14214 - handled by Eric Rood; (open) 40-17802 - handled by Rachel Farmer. js (238)  12/6/2005, 1444 hours: lmvm for Gustavo Gomes of the AB Engineering dept at (408) 615-3000 notifying him of claim; asking about the status of the project, and requesting fax no. js (238)  12/6/2005, 1503 hours ( approx.) - received t/c from Gustavo Gomes of AB (408) 615-3061. I notified him of the claim. Per Gustavo Gomes, the project is not completed as the punch list is being worked on and there is approx. \$294,000 in escrow. I requested his fax no. so I could send Request for Information form. His fax no. is (408) 983-0931. js (238)  12/6/2005: faxed Request for Information form to AB at (408) 983-0931. js (238)  12/7/2005: voice mail message left by Gustavo Gomes of AB. He asked if I received the fax he sent and asked if I could let him know. Call him at (408) 615-3061. js (238)  12/7/2005: received Request for Information form from Gustavo Gomes of AB (408) 615-3061. LMVM for Gustavo Gomes of AB indicating I received fax. Claim documents will be placed in Sr. Deputy Charlie Atilano's in-box for case assignment. js (238)
12/21/2005	12/19/2005 Mailed Notification of Complaint filed and Assignment letter. PE
12/27/2005	1450 hours (approx.) - received t/c from Gustavo Gomes of AB. Gustavo asked me questions about the claim. The case handler is Rachel Farmer so I suggested that he talk with Rachel and I gave him Rachel's phone no. js (238)
12/29/2005	12/27/05 Rec'd case. Compliant filed by Carpenters, not paying correct rates, cash pay.218rf
1/10/2006	Initial forms were mailed.....hilda  1/11/06 Rtrnd call to Gustavo Gomez, Im. rtrnd call to Reza, Im. Hilda please translate complaints. Thanks.218rf
1/26/2006	1/19/06----Rec'd. Cert.Ret.Receipt from AB on IF's.....hilda

<u>Date</u>	<u>Note</u>
1/30/2006	1/30/06 Rec'd contract, bid, bond info from AB.218rf
1/30/2006	1/26/06 Rec'd copies of H&W, pension, vacation & holiday and training contributions, including canceled checks, timecards, and CPR's, from Zolman.218rf
2/3/2006	2/1/06 Rec'd cert mail receipt St. Paul with new address CSC PO Box 526036, Sacramento CA 95852-6036.218rf
	2/3/06 Rtrn'd call to Reza 650-642-4880 wanted to know who filed complaint. Says they are signatory to the Laborers and sub'd out all the carpentry work. He is faxing over subcontracts for this case and 40-17861.218rf
2/9/2006	2/6/06---Rec'd. Mail - letter - from Bond Company, Paula Hora-Halton, Rep.....
	2/7/06---Rec'd. Mail, (fax), - copy of subcontract agreement - from Zolman Construction, Reza Zolfaghari PC.....hilda
	2/8/06 Hilda please type ee list.218rf
	2/9/06---EE list done.....hilda
3/6/2006	3/3/06 - Rec'd. Contract Specification from AB.....hilda
	3/6/06 Hilda-please translate attached letter in spanish and send to workers. Thanks.218
	3/9/06 Rec'd PRA request from Carpenters, discussed with Senior. They are requesting whether we have named another defendant. T/c to Liz Adamson, what are they looking for??? She stated Zolman is holding money for one of the carpenter sub's. Advised I would advise in writing.218
	3/10/06 Responded to PRA via fax to Liz Adamson. No other defendant named.218
3/10/2006	Letter w/questionnaires were mailed to Hugo M. Lucas & Manuel Aragon.....hilda Rec'd PRA from Carrie Williams, SF. Responded to PRA request, Liz Adamson. 218rf
	3/13/06 Rtrn'd call to Jorge Moreno Carpenters, Im advising of status. Rtrn'd call to Gustavo Gomez regarding status, ggomez@ci.santa-clara.ca.us...218rf
3/28/2006	3/27/06 - Rec. Questionnaire from Manuel P. Aragon and Hugo M. Lucas.....hilda
	4/5/06 Review of the file, using Carpenters, Grp 1, 2, 3 Laborers, and CM, missed increase on CM.218
	4/10/06 Rtrn'd call to Reeza of Zolman, he called numerous times, City is withholding 300k, and they need to pay sub's. Advised lengthy process and I can not give time frame of investigation, advised he is willing to cooperate to the fullest.218
	4/18/06 Faxed complaints, stmts, etc. to Reza with Cement Masons rate.218
	4/20/06 Rec'd email from Carrie William, requesting I respond to PRA, advised I had done so and forwarded letter.218

Date	Note
5/4/2006	5/3/06 - Rec'd. letter & time record from Zolman, via fax.....hilda
	5/12/06 T/c with Bonnie, she has paid the .88 difference on the Cement Mason rate, requested copies of the canceled checks. They are disputing the hours Lucas & Aragon are claiming, advised conduct self audit and I will review and go from there. Also she stated they had a 500k framing contractor and a 50k rebar contractor. Advised based on the work performed. She will send me self audit no later than 5/16/06.218
	5/25/06 T/c Bonnie, regarding hours worked by Lucas & Aragon, she again stated they did not work full time capacity, because subs did the work, they just helped. Fine, except, workers stated they were operating equipment and they had them classified as Laborers....reviewed and discussed her calculations advised I will get back to her on 6/1, to go over figures.
6/7/2006	6/1/06 T/c from Bonnie reminding me I was to call them on regarding status of investigation.218
	6/2/06 Email to Gustavo advising of status.218
6/7/2006	6/5/06 T/c to Hugo Lucas w/ Hilda translating. He said he spoke a little english so I discussed work performed and advised what Zolman had produced as far as hours worked, replied they did not spend only 2 -3 hours, but 8 hours, said he also operated equipment but could not remember the exact equipment, asked what he meant by heavy equipment, stated you know heavy equipment, asked what type, he replied he didn't know. As to rebar, he stated they started rebar and forming around the building. Advised I would contact him if I needed additional information. Hilda attempted to contact Aragon but was told to call back after 5pm. Conducted audit. T/c to Bonnie, advised I am not in agreement with her audit, I will be conducting an audit and will notify her of findings.218
3/5/2007	7/25/06- Email to Gustavo Gomez for description of work on projet & work done by Zolman.....218rf
3/5/2007	-updated database, case closed.....LR